Case 05-63240 Doc 1 Filed 10/28/05 Entered 10/28/05 20:54:12 Desc Main Document Page 1 of 8

| Omciai Form | 1 1) (10/0 | 151 | | | | | | | | , - | | | _ | | |
|--|--|-----------------------|----------------------|--|--|--------------------|-------------------|------------|-----------------|--------------------|----------------|---|----------------------|--------------------------|-------------------------|
| | United States Bankruptcy Court Northern District of Illinois, Eastern Division | | | | | Voluntary Petition | | | | | | | | | |
| Name of Debto API/Hammo | * | | nter Last | , First, Midd | lle): | | | | Name of | f Joint D | ebtor (Sp | ouse) (Last, l | First, | Middle): | |
| All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): | | | | | All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): | | | | | | | | | | |
| Last four digits 36-418761 | | ec./Com | iplete EII | N or other Ta | ax ID N | O. (if m | ore than one, s | state all) | Last fou | r digits | of Soc. Se | ec./Complete | EIN | or other Tax ID No. (if | more than one, state al |
| Street Address of 2455 S. Arl Arlington H | ington H | leights | | • | e): | | ZIP Co | de | Street A | ddress o | of Joint De | ebtor (No. & | Stree | et, City, and State): | ZIP Code |
| | | | | | | | 60005 | | | | | | | | |
| County of Resid | dence or o | of the Pr | incipal P | lace of Busi | ness: | | | | County | of Resid | ence or o | f the Principa | al Pla | ice of Business: | |
| Mailing Addres | s of Debt | or (if di | fferent fr | om street ad | dress): | | | | Mailing | Address | s of Joint | Debtor (if dit | fferen | nt from street address): | |
| | | | | | | Г | ZIP Co | de | | | | | | | ZIP Code |
| Location of Print (if different from | ncipal Ass m street a | sets of E ddress a | Business l bove): | Debtor | | <u>'</u> | | | • | | | | | | |
| Type of Debtor | r (Form o | of Organ | ization) | N | Vature o | of Busi | iness | | | | Chapte | r of Bankru | ptcv | Code Under Which | |
| | heck one b | | | | | | e boxes.) | | | | - | | | (Check one box) | |
| Individual (i | | | | Health (| | | . 1 6 | | ☐ Chaj | pter 7 | Cha | apter 11 | | Chapter 15 Petition fo | r Recognition |
| Corporation | (includes | s LLC a | nd LLP) | ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) | | nea | | | □ ch. | | _ | of a Foreign Main Pro Chapter 15 Petition fo | _ | | |
| ☐ Partnership☐ Other (If deb | ntor is not a | one of the | ahove | ☐ Railroad | | | | Cha | pier 9 | □ Cha | apter 12 | ш | of a Foreign Nonmain | | |
| entities, check information re | this box a equested be | and provi | de the | ☐ Stockbroker ☐ Commodity Broker ☐ Clearing Bank | | | | | Chapter 13 | ; | | | | | |
| State type of | entity: | | | | | | | | N | ature of Deb | ots (C | Check one box) | | | |
| | | | | □ Nonprot under 1: | | | | d | ☐ Con | sumer/N | Ion-Busin | ess | | Business | |
| | | _ | Fee (Ch | eck one box | .) | | | | Check o | | | Chapte | r 11 l | Debtors | |
| Full Filing I | | | | | | | | | | | mall busi | ness debtor a | ıs def | ined in 11 U.S.C. § 101 | (51D). |
| Filing Fee to attach signe is unable to | d applicat | tion for | the court | 's considerat | ion cert | ifying | that the de | ebtor | ■ Deb | tor is no | t a small l | business debi | tor as | defined in 11 U.S.C. § | 101(51D). |
| Filing Fee wattach signe | vaiver req | juested (| Applicat | ole to chapte | r 7 indiv | viduals | only). Mu | | | tor's agg | | ncontingent l an \$2 millior | | dated debts owed to nor | ı-insiders |
| Statistical/Adm | | | | | | | | | | | | | | THIS SPACE IS FOR CO | OURT USE ONLY |
| ■ Debtor estin | | | | | | | | | | | | | | | |
| Debtor estin | | | | | s exclud | led and | l administr | rative | expenses | paid, the | ere will be | e no funds | | | |
| Estimated Num | ber of Cre | editors | | | | | | | | | | | | | |
| 1- 49 | 50- 99 | 100- 199 | 20 99 | | | 5001- 0,000 | 10,001- 25,000 | | 5,001- 0,000 | 50,001- 100,000 | OVER 100,00 | | | | |
| | | | [| | | | | 50 | л,ооо | | | O | | | |
| Estimated Asset | ts | | | | | | | | | | | | | | |
| \$0 to | \$50,00 | | \$100,00 | | 0,001 to | | 000,001 to | | 000,001 to | | 00,001 to | More than | | | |
| \$50,000 | \$100,0 | | \$500,0 | JU \$1 i | million | \$1 | 0 million | \$50 | 0 million | | million | \$100 million | | | |
| Estimated Debts | | | | | | | | | | | _ | | \dashv | | |
| \$0 to | \$50,00 | | \$100,00 | | 0,001 to | | 000,001 to | | 000,001 to | | 00,001 to | More than | | | |
| \$50,000 | \$100,0 | | \$500,0 | 00 \$1 1 | million | \$1 | 0 million | \$50 | 0 million | | million | \$100 million | | | |

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Official Form 1 (10/05) Document Page 2 of 8 FORM B1, Page 2

| Official Form | 1) (10/03) | | FORM D1, 1 age 2 | | | |
|---|--|--|---|--|--|--|
| Voluntary | | Name of Debtor(s): API/Hammond, IN Inc. | | | | |
| (This page musi | t be completed and filed in every case) | V (If 4) 1.14 | :1 -h4) | | | |
| Location | Prior Bankruptcy Case Filed Within Last 8 | Case Number: | Date Filed: | | | |
| Where Filed: - | None - | Case Number. | Date Plied. | | | |
| | ding Bankruptcy Case Filed by any Spouse, Partner, or | · | | | | |
| Name of Debtor Arlington Hos | | Case Number: 05-34885 | Date Filed: 8/31/05 | | | |
| District: N.D. III. | | Relationship: Parent | Judge: A. Benjamin Goldgar | | | |
| | Exhibit A | | hibit B | | | |
| forms 10K and pursuant to Se and is request | eted if debtor is required to file periodic reports (e.g., d 10Q) with the Securities and Exchange Commission ection 13 or 15(d) of the Securities Exchange Act of 1934 ing relief under chapter 11.) A is attached and made a part of this petition. | (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by §342(b) of the Bankruptcy Code. X Signature of Attorney for Debtor(s) Date | | | | |
| | E 177.0 | G. I'm I'm G. | DIA CONTRACTOR | | | |
| | Exhibit C | | erning Debt Counseling l/Joint Debtor(s) | | | |
| | or own or have possession of any property that poses or ose a threat of imminent and identifiable harm to public y? | ☐ I/we have received approved budget and credit counseling during the 180-day period preceding the filing of this petition. | | | | |
| ☐ Yes, and | Exhibit C is attached and made a part of this petition. | ☐ I/we request a waiver of the requirement to obtain budget and credit counseling prior to filing based on exigent circumstances. | | | | |
| No | | (Must attach certification descri | ibing.) | | | |
| | Information Regarding the Debto | or (Check the Applicable Boxes) | | | | |
| | Venue (Check any | y applicable box) | | | | |
| • | Debtor has been domiciled or has had a residence, principal days immediately preceding the date of this petition or for | | | | | |
| - | There is a bankruptcy case concerning debtor's affiliate, ge | eneral partner, or partnership pending | in this District. | | | |
| | Debtor is a debtor in a foreign proceeding and has its princ this District, or has no principal place of business or assets proceeding [in a federal or state court] in this District, or th sought in this District. | in the United States but is a defendar | nt in an action or | | | |
| | Statement by a Debtor Who Resides Check all appl | | 7 | | | |
| | Landlord has a judgment against the debtor for possession | of debtor's residence. (If box checked, | complete the following.) | | | |
| | (Name of landlord that obtained judgment) | <u> </u> | | | | |
| | (Address of landlord) | | | | | |
| | Debtor claims that under applicable nonbankruptcy law, th permitted to cure the entire monetary default that gave rise possession was entered, and | | | | | |
| | Debtor has included in this petition the deposit with the confider the filing of the petition. | urt of any rent that would become due | e during the 30-day period | | | |

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Document Page 3 of 8

FORM B1, Page 3

Name of Debtor(s):

API/Hammond, IN Inc.

(Official Form 1) (10/05) Voluntary Petition

(This page must be completed and filed in every case)

Signatures

Signature of a Foreign Representative

| I declare under penalty of | perjury tha | at the information | provided in |
|------------------------------|-------------|--------------------|-------------|
| this petition is true and co | rrect. | | |

Signature(s) of Debtor(s) (Individual/Joint)

If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by §342(b) of the Bankruptcy Code.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

 \mathbf{X}

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney

X /s/ Catherine Steege

Signature of Attorney for Debtor(s)

Catherine Steege 6183529

Printed Name of Attorney for Debtor(s)

JENNER & BLOCK LLP

Firm Name

One IBM Plaza

Chicago, IL 60611

Address

312-222-9350 Fax: 312-527-0484

Telephone Number

October 28, 2005

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Stephen K. Miller

Signature of Authorized Individual

Stephen K. Miller

Printed Name of Authorized Individual

Interim President and CEO

Title of Authorized Individual

October 28, 2005

Date

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by §1515 of title 11 are attached.
- ☐ Pursuant to §1511 of title 11, United States Code, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose social security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

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Form 4 (10/05)

United States Bankruptcy Court Northern District of Illinois, Eastern Division

| In re | API/Hammond, IN Inc. | | | |
|-------|----------------------|-----------|---------|----|
| | | Debtor(s) | Chapter | 11 |

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, indicate that by stating "a minor child" and do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

| (1) | (2) | (3) | (4) | (5) |
|--|---|---|---|--|
| Name of creditor and complete mailing address including zip code | Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted | Nature of claim (trade debt, bank loan, government contract, etc.) | Indicate if claim is contingent, unliquidated, disputed, or subject to setoff | Amount of claim [if secured, also state value of security] |
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| In re | API/Hammond, IN Inc. | | Case No. | |
|-------|----------------------|-----------|----------|--|
| | | Debtor(s) | | |

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

| (1) | (2) | (3) | (4) | (5) |
|--|---|---|---|--|
| Name of creditor and complete mailing address including zip code | Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted | Nature of claim (trade debt, bank loan, government contract, etc.) | Indicate if claim is contingent, unliquidated, disputed, or subject to setoff | Amount of claim [if secured, also state value of security] |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, the Interim President and CEO of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

| Date | October 28, 2005 | Signature | /s/ Stephen K. Miller |
|------|------------------|-----------|---------------------------|
| | | | Stephen K. Miller |
| | | | Interim President and CFO |

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571.

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United States Bankruptcy Court Northern District of Illinois, Eastern Division

| Norther | n District of Illinois, Easte | rn Division | |
|--|--|---|---------------------------------------|
| In re API/Hammond, IN Inc. | | Case No | |
| | Debtor | | |
| | | Chapter | 11 |
| | | | |
| LIST O | F EQUITY SECURITY | Y HOLDERS | |
| Following is the list of the Debtor's equity security | holders which is prepared in acco | rdance with Rule 1007(a)(3 | 3) for filing in this chapter 11 case |
| Name and last known address | Security | Number | Kind of |
| or place of business of holder | Class | of Securities | Interest |
| DECLARATION UNDER PENALTY O | | | |
| I, the Interim President and CEO of that I have read the foregoing List of Equ belief. | | | |
| Date <u>October 28, 2005</u> | Signature_ | /s/ Stephen K. Miller | |
| | | stephen K. Miller nterim President and CEC |) |
| Penalty for making a false statement or conc | ealing property: Fine of up to \$ 18 U.S.C §§ 152 and 35 | | nt for up to 5 years or both. |

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United States Bankruptcy Court Northern District of Illinois, Eastern Division

| In re | API/Hammond, IN Inc. | Debtor(s) | Case No. Chapter | 11 |
|-------|---|--|---------------------|-----------------------------------|
| | VERIFICAT | TION OF CREDITOR MA | TRIX | |
| | terim President and CEO of the corporation not correct to the best of my knowledge. | named as the debtor in this case, hereby | verify that | the attached list of creditors is |
| Date: | October 28, 2005 | /s/ Stephen K. Miller Stephen K. Miller/Interim President a Signer/Title | nd CEO | |

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United States Bankruptcy Court Northern District of Illinois, Eastern Division

| In re | API/Hammond, IN Inc. | | Case No. | |
|---------|--|--|-------------|-----------------------------|
| | | Debtor(s) | Chapter | 11 |
| | | | | |
| | | | | |
| | | | | |
| | CORPORATE (| OWNERSHIP STATEMENT (RUL | E 7007.1) | |
| | | | | |
| Pursua | ant to Federal Rule of Bankruptcy Proce | edure 7007.1 and to enable the Judges | to evaluat | e possible disqualification |
| | usal, the undersigned counsel for API/H | 9 | | |
| | re) corporation(s), other than the debtor | | | |
| any cla | ass of the corporation's(s') equity interes | sts, or states that there are no entities | to report u | nder FRBP 7007.1: |
| Arlingt | on Hospitality, Inc. | | | |
| | S. Arlington Heights Rd., Ste. 400 con Heights, IL 60005 | | | |
| Aningt | on Heights, IL 60003 | | | |
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| 0 | | / / O . II O . | | |
| | er 28, 2005 | /s/ Catherine Steege | | |
| Date | | Catherine Steege 6183529 | | |
| | | Signature of Attorney or Litigant Counsel for API/Hammond, IN Inc. | | |
| | | JENNER & BLOCK LLP | | |
| | | One IBM Plaza | | |
| | | Chicago, IL 60611 | | |
| | | 312-222-9350 Fax:312-527-0484 | | |
| | | | | |